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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Wiatt Kettle

Confirmation No.: 1493

Application No.: 10/765,595

Examiner: Michael Lee

Filing Date: January 26, 2004

Group Art Unit: 2422

Title: Fitting Video Feed to a Display Device

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 06/08/2011 .

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

Respectfully submitted,

Wiatt Kettle

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Wiatt Kettle

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REPLY BRIEF

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Sir:

This is a Reply Brief under Rule 41.41 (37 C.F.R) in response to the Examiner's Answer of June 8, 2011 (the "Examiner's Answer" or the "Answer"). In Section 10, the Answer contains a response to some of the arguments made in Appellant's brief. Appellant now responds to the Examiner's Answer as follows.

Status of Claims

The status of the claims remains unchanged by the Examiner's Answer. Claims 1-31 are pending in the application and stand finally rejected. Accordingly, Appellant appeals from the final rejection of claims 1-31.

Grounds of Rejection to be Reviewed on Appeal

The Answer maintains without change the following grounds of rejection.

(1) Claims 1-4, 6-12, 14-19, 21-27, and 29-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0047918 to Sullivan (hereinafter “Sullivan”).

(2) Claims 5, 13, 20, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sullivan taken alone.

Accordingly, Appellant hereby requests review of each of these grounds of rejection in the present appeal.

Argument

(1) Claims 1-4, 6-12, 14-19, 21-27, and 29-31 are patentable over *Sullivan*:

Claim 1:

Claim 1 recites:

A method for fitting a frame of a video feed to a display device, the method comprising:

ascertaining at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device;

buffering at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and

displaying, on the display device, the region of the frame defined by the at least one marker.

(Emphasis added).

In contrast, Sullivan does not teach or suggest the subject matter of claim 1.

First, Sullivan fails to teach or suggest, “ascertaining at least one marker defining a region of the frame, ***the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device.***” (Claim 1) (emphasis added).

The Office Action fails to address this recitation specifically. The Examiner’s Answer, however, cites to paragraph [0041] of Sullivan and argues, “[i]n this paragraph, Sullivan basically states the horizontal to vertical ratio of a defined video image region matches the horizontal to vertical ratio of a display device or devices. The term ‘horizontal to vertical ratio’ is also known as ‘aspect ratio.’” (Examiner’s Answer, p. 8). However, Appellant respectfully disagrees that this paragraph of Sullivan teaches this subject matter.

Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) present a different portion of the original video image on the video display with dimensions that *do not match* the *horizontal resolution to vertical resolution ratio* of the video display. This is evident from the fact that Sullivan is silent regarding *matching* of the horizontal resolution to vertical resolution ratio of the video display.

Further, paragraph [0041] teaches:

[A]n original video image with a 16:9 aspect ratio has four different display regions for a video display having a 4:3 aspect ratio. However, *a particular original video image may include any number of display regions* for any number of different video display types (such as 4:3 aspect ratio, 2.3:1 aspect ratio, high resolution 16:9 aspect ratio, and low resolution 16:9 aspect ratio). (Sullivan, para. [0041]) (emphasis added).

Clearly, this paragraph simply teaches that a video image may include a number of display regions that are *different from the aspect ration of a video display*. This is commensurate with Appellant's argument that all the four display regions or views (402, 404, 406, 408) of Sullivan present a different portion of the original video image on the video display with dimensions that *do not match* the *horizontal resolution to vertical resolution ratio* of the video display. This portion of Sullivan is silent regarding a "region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device" (Claim 1), and actually *teaches the opposite* when it requires the number of display regions to be different from the aspect ratio of the video display.

Still further, the language of paragraph [0041] of Sullivan does not indicate that a matching of aspect rations or a horizontal resolution to vertical resolution ratio is taking place. Paragraph [0041] of Sullivan simply states, "a particular original video image may include any number of display regions *for* any number of different video display types." The

word “for” simply means that the original video image displays video content on any number of different video display types, and cannot be interpreted as meaning that there is a matching taking place, as Appellant demonstrates above. Therefore, for at least this reason, the rejection of claim 1 should not be sustained.

Second, Appellant respectfully asserts that Sullivan fails to teach or suggest, “*ascertaining at least one marker* defining a region of the frame, . . . *and displaying, on the display device, the region of the frame defined by the at least one marker.*” (Claim 1) (emphasis added). The Examiner’s Answer cites to paragraph [0043] and argues this section of Sullivan:

[I]ndicates that a region is being defined by at two parameters, such as two (x,y) coordinates. The regions are defined at the transmitting end by using input devices such as a computer keyboard, a mouse, a game pad, joystick, etc., as mentioned in paragraph 0063. *Since the (x,y) coordinates defines or marks a desired display region*, it can be interpreted as a marker, or however one wants to name it. Thus, *the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed.*

(Examiner’s Answer, p. 7). Appellant respectfully disagrees.

Sullivan teaches the following:

The procedure 600 identifies a particular display region to display on a video display device (**block 604**). For example, *a user of the video display device may select the particular display region based on the user's viewing preferences*. The procedure then decodes the encoded video content (block 606). Finally, the identified display region is displayed on the video display device (block 608). The identified display region is defined by data included in or transmitted with the video content and may change locations from one frame to the next (e.g., as a character moves).

(Sullivan, para. [0046]) (emphasis added).

Sullivan simply teaches that a user can select a particular display region, and is silent regarding ascertaining a marker within the video content. In fact, rather than utilizing a marker defining a region of a frame of a video feed, the system of *Sullivan teaches the*

opposite when it teaches that ***a user selects*** a particular display region based on user preferences and that the “identified display region is defined by data included in or transmitted with the video content and ***may change locations from one frame to the next*** (e.g., as a character moves).” (*Id.*) (emphasis added). Although Sullivan teaches, here, that data is included with the video content, it is clear that no markers are ascertained in fitting a frame of a video feed to a display device within the Sullivan reference.

Further, paragraph [0043] of Sullivan simply teaches defining the display regions of Fig. 4, and not display regions that match the video display. In light of paragraphs [0040] through [0042] of Sullivan, it is clear that paragraph [0043] simply defines the non-matching regions (402, 404, 406, 408) of Fig. 4 of Sullivan.

Still further, the argument “the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed” is unfounded. Sullivan does not teach ascertaining at least one marker simply because Sullivan teaches (x,y) coordinates. In other words, the (x,y) coordinates of Sullivan are irrelevant to the ascertaining of at least one marker. Further, in light of the above argument that the coordinates of Sullivan simply define the non-matching regions (402, 404, 406, 408) of Fig. 4, Appellant asserts that no ascertaining of the (x,y) coordinates is necessary, but that a user can select a particular display region as described in paragraph [0046], and as demonstrated above. For at least this additional reason, the rejection of claim 1 should not be sustained.

Respectfully, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown ***in as complete detail as contained in the ... claim.***” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9

USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claim 1, the rejection of claim 1 and its dependent claims should not be sustained.

Claim 9:

Claim 9 recites:

A method for transmitting a video feed to a display device, the method comprising:

adding, to the video feed, at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device;

transmitting the video feed to the display device;

parsing the at least one marker from the video feed;

buffering at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and

displaying, on the display device, the region of the frame defined by the at least one marker.

(Emphasis added).

In contrast, Sullivan does not teach or suggest the subject matter of claim 9. Initially, the Office Action rejects the recitation of claim 9 under the same reasoning as presented for claim 1. (Examiner’s Answer, p. 5). Therefore, the following response in connection with

the patentability of independent claim 9 will be addressed in light of the arguments presented by the Office for claim 1.

First, Sullivan fails to teach or suggest, “adding, to the video feed, at least one marker defining a region of the frame, *the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device.*” (Claim 9) (emphasis added). The Office Action fails to address this recitation specifically. The Examiner’s Answer, however, cites to paragraph [0041] of Sullivan and argues, “[i]n this paragraph, Sullivan basically states the horizontal to vertical ratio of a defined video image region matches the horizontal to vertical ratio of a display device or devices. The term ‘horizontal to vertical ratio’ is also known as ‘aspect ratio.’” (Examiner’s Answer, p. 8). However, Appellant respectfully disagrees that this paragraph of Sullivan teaches this subject matter.

Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) present a different portion of the original video image on the video display with dimensions that *do not match* the *horizontal resolution to vertical resolution ratio* of the video display. This is evident from the fact that Sullivan is silent regarding *matching* of the horizontal resolution to vertical resolution ratio of the video display.

Further, paragraph [0041] teaches:

[A]n original video image with a 16:9 aspect ratio has four different display regions for a video display having a 4:3 aspect ratio. However, *a particular original video image may include any number of display regions* for any number of different video display types (such as 4:3 aspect ratio, 2.3:1 aspect ratio, high resolution 16:9 aspect ratio, and low resolution 16:9 aspect ratio). (Sullivan, para. [0041]) (emphasis added).

Clearly, this paragraph simply teaches that a video image may include a number of display regions that are *different from the aspect ration of a video display*. This is

commensurate with Appellant's argument that all the four display regions or views (402, 404, 406, 408) of Sullivan present a different portion of the original video image on the video display with dimensions that *do not match* the *horizontal resolution to vertical resolution ratio* of the video display. This portion of Sullivan is silent regarding a "region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device" (Claim 9), and actually *teaches the opposite* when it requires the number of display regions to be different from the aspect ratio of the video display.

Still further, the language of paragraph [0041] of Sullivan does not indicate that a matching of aspect ratios or a horizontal resolution to vertical resolution ratio is taking place. Paragraph [0041] of Sullivan simply states, "a particular original video image may include any number of display regions *for* any number of different video display types." The word "for" simply means that the original video image displays video content on any number of different video display types, and cannot be interpreted as meaning that there is a matching taking place, as Appellant demonstrates above. Therefore, for at least this reason, the rejection of claim 9 should not be sustained.

Second, Appellant respectfully asserts that Sullivan fails to teach or suggest, "*parsing* the at least one marker from the video feed . . . and displaying, on the display device, the region of the frame *defined by the at least one marker*." (Claim 9) (emphasis added). The Examiner's Answer cites to paragraph [0043] and argues this section of Sullivan:

[I]ndicates that a region is being defined by at two parameters, such as two (x,y) coordinates. The regions are defined at the transmitting end by using input devices such as a computer keyboard, a mouse, a game pad, joystick, etc., as mentioned in paragraph 0063. *Since the (x,y) coordinates defines or marks a desired display region*, it can be interpreted as a marker, or however one wants to name it. Thus, *the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed*.

(Examiner's Answer, p. 7). Appellant respectfully disagrees.

Sullivan teaches the following:

The procedure 600 identifies a particular display region to display on a video display device (**block 604**). For example, ***a user of the video display device may select the particular display region based on the user's viewing preferences***. The procedure then decodes the encoded video content (block 606). Finally, the identified display region is displayed on the video display device (block 608). The identified display region is defined by data included in or transmitted with the video content and may change locations from one frame to the next (e.g., as a character moves).

(Sullivan, para. [0046]) (emphasis added).

Sullivan simply teaches that a user can select a particular display region, and is silent regarding ascertaining a marker within the video content. In fact, rather than utilizing a marker defining a region of a frame of a video feed, the system of ***Sullivan teaches the opposite*** when it teaches that ***a user selects*** a particular display region based on user preferences and that the “identified display region is defined by data included in or transmitted with the video content and ***may change locations from one frame to the next*** (e.g., as a character moves).” (*Id.*) (emphasis added). Although Sullivan teaches, here, that data is included with the video content, it is clear that no markers are ascertained in fitting a frame of a video feed to a display device within the Sullivan reference.

Further, paragraph [0043] of Sullivan simply teaches defining the display regions of Fig. 4, and not display regions that match the video display. In light of paragraphs [0040] through [0042] of Sullivan, it is clear that paragraph [0043] simply defines the non-matching regions (402, 404, 406, 408) of Fig. 4 of Sullivan.

Still further, the argument “the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed” is unfounded. Sullivan does not teach ascertaining at least one marker simply because Sullivan teaches (x,y) coordinates. In other words, the (x,y) coordinates of Sullivan

are irrelevant to the ascertaining of at least one marker. Further, in light of the above argument that the coordinates of Sullivan simply define the non-matching regions (402, 404, 406, 408) of Fig. 4, Appellant asserts that no parsing of the (x,y) coordinates is necessary, but that a user can select a particular display region as described in paragraph [0046], and as demonstrated above. For at least this additional reason, the rejection of claim 9 should not be sustained. Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claim 9, the rejection of claim 9 and its dependent claims should not be sustained.

Claim 12:

Claim 12 recites:

A display device for displaying a video feed, the display device comprising:
a display area having horizontal and vertical resolutions;
a parser configured to parse at least one marker from the video feed, the at least one marker defining a region of a frame of the video feed, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display area;
a buffer configured to selectively store rows of the region defined by the at least one marker and exclude rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and
a video controller configured to display, in the display area, the buffered rows.

(Emphasis added).

In contrast, Sullivan does not teach or suggest the subject matter of claim 12.

Again, the Office Action rejects the recitation of claim 12 under the same reasoning as presented for claim 1. (Examiner's Answer, p. 5). Therefore, the following response in connection with the patentability of independent claim 12 will be addressed in light of the arguments presented by the Office for claim 1.

First, Sullivan fails to teach or suggest, "[a] region having a horizontal to vertical ratio ***matching a horizontal resolution to vertical resolution ratio of the display area.***" (Claim 12) (emphasis added). The Office Action fails to address this recitation specifically. The Examiner's Answer, however, cites to paragraph [0041] of Sullivan and argues, "[i]n this paragraph, Sullivan basically states the horizontal to vertical ratio of a defined video image region matches the horizontal to vertical ratio of a display device or devices. The term 'horizontal to vertical ratio' is also known as 'aspect ratio.'" (Examiner's Answer, p. 8). However, Appellant respectfully disagrees that this paragraph of Sullivan teaches this subject matter.

Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) present a different portion of the original video image on the video display with dimensions that *do not match* the *horizontal resolution to vertical resolution ratio* of the video display. This is evident from the fact that Sullivan is silent regarding *matching* of the horizontal resolution to vertical resolution ratio of the video display.

Further, paragraph [0041] teaches:

[A]n original video image with a 16:9 aspect ratio has four different display regions for a video display having a 4:3 aspect ratio. However, *a particular original video image may include any number of display regions* for any number of different video display types (such as 4:3 aspect ratio, 2.3:1 aspect ratio, high resolution 16:9 aspect ratio, and low resolution 16:9 aspect ratio). (Sullivan, para. [0041]) (emphasis added).

Clearly, this paragraph simply teaches that a video image may include a number of display regions that are *different from the aspect ration of a video display*. This is commensurate with Appellant's argument that all the four display regions or views (402, 404, 406, 408) of Sullivan present a different portion of the original video image on the video display with dimensions that *do not match* the *horizontal resolution to vertical resolution ratio* of the video display. This portion of Sullivan is silent regarding a "region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display area" (Claim 12), and actually *teaches the opposite* when it requires the number of display regions to be different from the aspect ratio of the video display.

Still further, the language of paragraph [0041] of Sullivan does not indicate that a matching of aspect rations or a horizontal resolution to vertical resolution ratio is taking place. Paragraph [0041] of Sullivan simply states, "a particular original video image may include any number of display regions *for* any number of different video display types." The

word “for” simply means that the original video image displays video content on any number of different video display types, and cannot be interpreted as meaning that there is a matching taking place, as Appellant demonstrates above. Therefore, for at least this reason, the rejection of claim 12 should not be sustained.

Second, Appellant respectfully asserts that Sullivan fails to teach or suggest, “a *parser* configured to parse at least one marker from the video feed.” (Claim 12) (emphasis added).

The Examiner’s Answer cites to paragraph [0043] and argues this section of Sullivan:

[I]ndicates that a region is being defined by at two parameters, such as two (x,y) coordinates. The regions are defined at the transmitting end by using input devices such as a computer keyboard, a mouse, a game pad, joystick, etc., as mentioned in paragraph 0063. *Since the (x,y) coordinates defines or marks a desired display region*, it can be interpreted as a marker, or however one wants to name it. Thus, *the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed.*

(Examiner’s Answer, p. 7). Appellant respectfully disagrees.

Sullivan teaches the following:

The procedure 600 identifies a particular display region to display on a video display device (**block 604**). For example, *a user of the video display device may select the particular display region based on the user's viewing preferences*. The procedure then decodes the encoded video content (block 606). Finally, the identified display region is displayed on the video display device (block 608). The identified display region is defined by data included in or transmitted with the video content and may change locations from one frame to the next (e.g., as a character moves).

(Sullivan, para. [0046]) (emphasis added).

Sullivan simply teaches that a user can select a particular display region, and is silent regarding parsing a marker within the video content. In fact, rather than utilizing a marker defining a region of a frame of a video feed, the system of *Sullivan teaches the opposite* when it teaches that *a user selects* a particular display region based on user preferences and that the “identified display region is defined by data included in or transmitted with the video

content and *may change locations from one frame to the next* (e.g., as a character moves).” (*Id.*) (emphasis added). Although Sullivan teaches, here, that data is included with the video content, it is clear that no markers are ascertained in fitting a frame of a video feed to a display device within the Sullivan reference.

Further, paragraph [0043] of Sullivan simply teaches defining the display regions of Fig. 4, and not display regions that match the video display. In light of paragraphs [0040] through [0042] of Sullivan, it is clear that paragraph [0043] simply defines the non-matching regions (402, 404, 406, 408) of Fig. 4 of Sullivan.

Still further, the argument “the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed” is unfounded. Sullivan does not teach ascertaining at least one marker simply because Sullivan teaches (x,y) coordinates. In other words, the (x,y) coordinates of Sullivan are irrelevant to the ascertaining of at least one marker. Further, in light of the above argument that the coordinates of Sullivan simply define the non-matching regions (402, 404, 406, 408) of Fig. 4, Appellant asserts that no parsing of the (x,y) coordinates is necessary, but that a user can select a particular display region as described in paragraph [0046], and as demonstrated above. For at least this additional reason, the rejection of claim 12 should not be sustained.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim

within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claim 12, the rejection of claim 12 and its dependent claims should not be sustained.

Claim 16:

Claim 16 recites:

A display device for displaying a video feed, the display device comprising:
a display area having horizontal and vertical resolutions;
means for ascertaining at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device;
a buffer;
means for storing in the buffer at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and
means for displaying, on the display device, the region of the frame defined by the at least one marker.

(Emphasis added).

In contrast, Sullivan does not teach or suggest the subject matter of claim 16. Again, the Office Action rejects the recitation of claim 16 under the same reasoning as presented for claim 1. (Examiner’s Answer, p. 5). Therefore, the following response in connection with the patentability of independent claim 16 will be addressed in light of the arguments presented by the Office for claim 1.

First, Sullivan fails to teach or suggest, “means for ascertaining at least one marker defining a region of the frame, ***the region having a horizontal to vertical ratio matching a***

horizontal resolution to vertical resolution ratio of the display device.” (Claim 16)

(emphasis added). The Office Action fails to address this recitation specifically. The Examiner’s Answer, however, cites to paragraph [0041] of Sullivan and argues, “[i]n this paragraph, Sullivan basically states the horizontal to vertical ratio of a defined video image region matches the horizontal to vertical ratio of a display device or devices. The term ‘horizontal to vertical ratio’ is also known as ‘aspect ratio.’” (Examiner’s Answer, p. 8). However, Appellant respectfully disagrees that this paragraph of Sullivan teaches this subject matter.

Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) present a different portion of the original video image on the video display with dimensions that ***do not match*** the ***horizontal resolution to vertical resolution ratio*** of the video display. This is evident from the fact that Sullivan is silent regarding ***matching*** of the horizontal resolution to vertical resolution ratio of the video display.

Further, paragraph [0041] teaches:

[A]n original video image with a 16:9 aspect ratio has four different display regions for a video display having a 4:3 aspect ratio. However, ***a particular original video image may include any number of display regions*** for any number of different video display types (such as 4:3 aspect ratio, 2.3:1 aspect ratio, high resolution 16:9 aspect ratio, and low resolution 16:9 aspect ratio). (Sullivan, para. [0041]) (emphasis added).

Clearly, this paragraph simply teaches that a video image may include a number of display regions that are ***different from the aspect ration of a video display***. This is commensurate with Appellant’s argument that all the four display regions or views (402, 404, 406, 408) of Sullivan present a different portion of the original video image on the video display with dimensions that ***do not match*** the ***horizontal resolution to vertical resolution***

ratio of the video display. This portion of Sullivan is silent regarding a “region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device” (Claim 16), and actually *teaches the opposite* when it requires the number of display regions to be different from the aspect ratio of the video display.

Still further, the language of paragraph [0041] of Sullivan does not indicate that a matching of aspect ratios or a horizontal resolution to vertical resolution ratio is taking place. Paragraph [0041] of Sullivan simply states, “a particular original video image may include any number of display regions *for* any number of different video display types.” The word “for” simply means that the original video image displays video content on any number of different video display types, and cannot be interpreted as meaning that there is a matching taking place, as Appellant demonstrates above. Therefore, for at least this reason, the rejection of claim 16 should not be sustained.

Second, Appellant respectfully asserts that Sullivan fails to teach or suggest, “*means for ascertaining at least one marker* defining a region of the frame, . . . and means for displaying, on the display device, the region of the frame defined by the at least one marker.” (Claim 16) (emphasis added). The Examiner’s Answer cites to paragraph [0043] and argues this section of Sullivan:

[I]ndicates that a region is being defined by at two parameters, such as two (x,y) coordinates. The regions are defined at the transmitting end by using input devices such as a computer keyboard, a mouse, a game pad, joystick, etc., as mentioned in paragraph 0063. *Since the (x,y) coordinates defines or marks a desired display region*, it can be interpreted as a marker, or however one wants to name it. Thus, *the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed.*

(Examiner’s Answer, p. 7). Appellant respectfully disagrees.

Sullivan teaches the following:

The procedure 600 identifies a particular display region to display on a video display device (**block 604**). For example, ***a user of the video display device may select the particular display region based on the user's viewing preferences***. The procedure then decodes the encoded video content (block 606). Finally, the identified display region is displayed on the video display device (block 608). The identified display region is defined by data included in or transmitted with the video content and may change locations from one frame to the next (e.g., as a character moves).

(Sullivan, para. [0046]) (emphasis added).

Sullivan simply teaches that a user can select a particular display region, and is silent regarding parsing a marker within the video content. In fact, rather than utilizing a marker defining a region of a frame of a video feed, the system of ***Sullivan teaches the opposite*** when it teaches that ***a user selects*** a particular display region based on user preferences and that the “identified display region is defined by data included in or transmitted with the video content and ***may change locations from one frame to the next*** (e.g., as a character moves).” (*Id.*) (emphasis added). Although Sullivan teaches, here, that data is included with the video content, it is clear that no markers are ascertained in fitting a frame of a video feed to a display device within the Sullivan reference.

Further, paragraph [0043] of Sullivan simply teaches defining the display regions of Fig. 4, and not display regions that match the video display. In light of paragraphs [0040] through [0042] of Sullivan, it is clear that paragraph [0043] simply defines the non-matching regions (402, 404, 406, 408) of Fig. 4 of Sullivan.

Still further, the argument “the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed” is unfounded. Sullivan does not teach ascertaining at least one marker simply because Sullivan teaches (x,y) coordinates. In other words, the (x,y) coordinates of Sullivan

are irrelevant to the ascertaining of at least one marker. Further, in light of the above argument that the coordinates of Sullivan simply define the non-matching regions (402, 404, 406, 408) of Fig. 4, Appellant asserts that no parsing of the (x,y) coordinates is necessary, but that a user can select a particular display region as described in paragraph [0046], and as demonstrated above. For at least this additional reason, the rejection of claim 16 should not be sustained.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claim 16, the rejection of claim 16 and its dependent claims should not be sustained.

Claim 24:

Claim 24 recites:

A program storage system readable by a computer, tangibly embodying a program, applet, or instructions executable by the computer to perform

method steps for fitting a frame of a video feed to a display device, the method comprising:

ascertaining at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device;

buffering at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and

displaying, on the display device, the region of the frame defined by the at least one marker.

(Emphasis added).

In contrast, Sullivan does not teach or suggest the subject matter of claim 24.

Again, the Office Action rejects the recitation of claim 24 under the same reasoning as presented for claim 1. (Examiner's Answer, p. 5). Therefore, the following response in connection with the patentability of independent claim 24 will be addressed in light of the arguments presented by the Office for claim 1.

First, Sullivan fails to teach or suggest, "ascertaining at least one marker defining a region of the frame, *the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device.*" (Claim 24) (emphasis added). The Office Action fails to address this recitation specifically. The Examiner's Answer, however, cites to paragraph [0041] of Sullivan and argues, "[i]n this paragraph, Sullivan basically states the horizontal to vertical ratio of a defined video image region matches the horizontal to vertical ratio of a display device or devices. The term 'horizontal to vertical ratio' is also known as 'aspect ratio.'" (Examiner's Answer, p. 8). However, Appellant respectfully disagrees that this paragraph of Sullivan teaches this subject matter.

Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) present a different portion of the original video image on the video display with dimensions that *do not match* the *horizontal resolution to*

vertical resolution ratio of the video display. This is evident from the fact that Sullivan is silent regarding *matching* of the horizontal resolution to vertical resolution ratio of the video display.

Further, paragraph [0041] teaches:

[A]n original video image with a 16:9 aspect ratio has four different display regions for a video display having a 4:3 aspect ratio. However, *a particular original video image may include any number of display regions* for any number of different video display types (such as 4:3 aspect ratio, 2.3:1 aspect ratio, high resolution 16:9 aspect ratio, and low resolution 16:9 aspect ratio). (Sullivan, para. [0041]) (emphasis added).

Clearly, this paragraph simply teaches that a video image may include a number of display regions that are *different from the aspect ration of a video display*. This is commensurate with Appellant's argument that all the four display regions or views (402, 404, 406, 408) of Sullivan present a different portion of the original video image on the video display with dimensions that *do not match* the *horizontal resolution to vertical resolution ratio* of the video display. This portion of Sullivan is silent regarding a "region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device" (Claim 24), and actually *teaches the opposite* when it requires the number of display regions to be different from the aspect ratio of the video display.

Still further, the language of paragraph [0041] of Sullivan does not indicate that a matching of aspect ratios or a horizontal resolution to vertical resolution ratio is taking place. Paragraph [0041] of Sullivan simply states, "a particular original video image may include any number of display regions *for* any number of different video display types." The word "for" simply means that the original video image displays video content on any number of different video display types, and cannot be interpreted as meaning that there is a matching

taking place, as Appellant demonstrates above. Therefore, for at least this reason, the rejection of claim 24 should not be sustained.

Second, Appellant respectfully asserts that Sullivan fails to teach or suggest, “*ascertaining at least one marker* defining a region of the frame, . . . and displaying, on the display device, the region of the frame defined by the at least one marker.” (Claim 24) (emphasis added). The Examiner’s Answer cites to paragraph [0043] and argues this section of Sullivan:

[I]ndicates that a region is being defined by at two parameters, such as two (x,y) coordinates. The regions are defined at the transmitting end by using input devices such as a computer keyboard, a mouse, a game pad, joystick, etc., as mentioned in paragraph 0063. *Since the (x,y) coordinates defines or marks a desired display region*, it can be interpreted as a marker, or however one wants to name it. Thus, *the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed.*

(Examiner’s Answer, p. 7). Appellant respectfully disagrees.

Sullivan teaches the following:

The procedure 600 identifies a particular display region to display on a video display device (**block 604**). For example, *a user of the video display device may select the particular display region based on the user's viewing preferences*. The procedure then decodes the encoded video content (block 606). Finally, the identified display region is displayed on the video display device (block 608). The identified display region is defined by data included in or transmitted with the video content and may change locations from one frame to the next (e.g., as a character moves).

(Sullivan, para. [0046]) (emphasis added).

Sullivan simply teaches that a user can select a particular display region, and is silent regarding parsing a marker within the video content. In fact, rather than utilizing a marker defining a region of a frame of a video feed, the system of *Sullivan teaches the opposite* when it teaches that *a user selects* a particular display region based on user preferences and that the “identified display region is defined by data included in or transmitted with the video

content and *may change locations from one frame to the next* (e.g., as a character moves).” (*Id.*) (emphasis added). Although Sullivan teaches, here, that data is included with the video content, it is clear that no markers are ascertained in fitting a frame of a video feed to a display device within the Sullivan reference.

Further, paragraph [0043] of Sullivan simply teaches defining the display regions of Fig. 4, and not display regions that match the video display. In light of paragraphs [0040] through [0042] of Sullivan, it is clear that paragraph [0043] simply defines the non-matching regions (402, 404, 406, 408) of Fig. 4 of Sullivan.

Still further, the argument “the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed” is unfounded. Sullivan does not teach ascertaining at least one marker simply because Sullivan teaches (x,y) coordinates. In other words, the (x,y) coordinates of Sullivan are irrelevant to the ascertaining of at least one marker. Further, in light of the above argument that the coordinates of Sullivan simply define the non-matching regions (402, 404, 406, 408) of Fig. 4, Appellant asserts that no parsing of the (x,y) coordinates is necessary, but that a user can select a particular display region as described in paragraph [0046], and as demonstrated above. For at least this additional reason, the rejection of claim 24 should not be sustained.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim

within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claim 24, the rejection of claim 24 and its dependent claims should not be sustained.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. Specific, non-exclusive examples follow.

Claims 2, 17, and 25:

Claim 2 recites, “[t]he method of claim 1 wherein ascertaining at least one marker includes *parsing out the at least one marker* from the video feed.” (Claim 2) (emphasis added). Similarly, claim 17 recites, “[t]he display device of claim 16 wherein the means for ascertaining at least one marker includes *means for parsing out the at least one marker* from the video feed.” (Claim 17) (emphasis added). Further, claim 25 similarly recites, “[t]he program storage system of claim 24 wherein ascertaining at least one marker includes *parsing out the at least one marker* from the video feed.” (Claim 25) (emphasis added). In contrast, Sullivan does not teach or suggest, “parsing out the at least one marker,” or similar subject matter.

In rejecting claim 2, the Examiner’s Answer argues, “Sullivan discloses *an inherently included parsing step* for separate region identifiers from the video content (note paragraph

0046).” (Examiner’s Answer, p. 5) (*see also*, Office Action, p. 3) (emphasis added).

Appellant respectfully disagrees.

Sullivan teaches the following:

The procedure 600 identifies a particular display region to display on a video display device (**block 604**). For example, *a user of the video display device may select the particular display region based on the user's viewing preferences*. The procedure then decodes the encoded video content (block 606). Finally, the identified display region is displayed on the video display device (block 608). The identified display region is defined by data included in or transmitted with the video content and may change locations from one frame to the next (e.g., as a character moves).

(Sullivan, para. [0046]) (emphasis added).

However, as similarly argued above in connection with independent claim 9, Sullivan simply teaches that a user can select a particular predefined display region for viewing, and is silent regarding parsing video content for a marker. In fact, because the system of Sullivan provides for user-selection of a particular display region, and because the Sullivan device only provides predefined display regions, *Sullivan teaches away from parsing* a video feed for a marker. This is clear since no marker is required to be parsed within the *predefined, user-selectable* display regions of Sullivan.

Sullivan teaches the following:

The procedure 600 identifies a particular display region to display on a video display device (**block 604**). For example, *a user of the video display device may select the particular display region based on the user's viewing preferences*. The procedure then decodes the encoded video content (block 606). Finally, the identified display region is displayed on the video display device (block 608). The identified display region is defined by data included in or transmitted with the video content and may change locations from one frame to the next (e.g., as a character moves).

(Sullivan, para. [0046]) (emphasis added).

Sullivan simply teaches that a user can select a particular display region, and is silent regarding parsing a marker within the video content. In fact, rather than utilizing a marker

defining a region of a frame of a video feed, the system of *Sullivan teaches the opposite* when it teaches that *a user selects* a particular display region based on user preferences and that the “identified display region is defined by data included in or transmitted with the video content and *may change locations from one frame to the next* (e.g., as a character moves).” (*Id.*) (emphasis added). Although Sullivan teaches, here, that data is included with the video content, it is clear that no markers are ascertained in fitting a frame of a video feed to a display device within the Sullivan reference.

Further, paragraph [0043] of Sullivan simply teaches defining the display regions of Fig. 4, and not display regions that match the video display. In light of paragraphs [0040] through [0042] of Sullivan, it is clear that paragraph [0043] simply defines the non-matching regions (402, 404, 406, 408) of Fig. 4 of Sullivan.

Still further, the argument “the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed” is unfounded. Sullivan does not teach ascertaining at least one marker simply because Sullivan teaches (x,y) coordinates. In other words, the (x,y) coordinates of Sullivan are irrelevant to the ascertaining of at least one marker. Further, in light of the above argument that the coordinates of Sullivan simply define the non-matching regions (402, 404, 406, 408) of Fig. 4, Appellant asserts that no parsing of the (x,y) coordinates is necessary, but that a user can select a particular display region as described in paragraph [0046], and as demonstrated above. For at least this additional reason, the rejection of claims 2, 17, and 25 should not be sustained.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown *in as complete detail as contained in the ... claim.*” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628,

2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claims 2, 17, and 25, the rejection of claims 2, 17, and 25 and its dependent claims should not be sustained.

Claims 7, 15, 22, and 30:

Claim 7 recites, “[t]he method of claim 1 further including, *scaling* the region to fit the horizontal and vertical resolution of the display.” (Emphasis added). Similarly, claim 15 recites, “[t]he display device of claim 12 further including an image processor configured to *scale* the region to fit the horizontal and vertical resolution of the display.” (Emphasis added). Further, claim 22 recites, “[t]he display device of claim 16 further including, means for *scaling* the region to fit the horizontal and vertical resolution of the display.” (Emphasis added). Still further, claim 30 recites, “[t]he program storage system of claim 24 further including, *scaling* the region to fit the horizontal and vertical resolution of the display.” (Emphasis added). In contrast, Sullivan does not teach or suggest, “*scaling* the region to fit the horizontal and vertical resolution of the display,” or similar subject matter.

The Examiner's Answer cites to paragraph [0038]. This portion of Sullivan teaches the following:

A fourth display region 408 focuses on a particular character or object in the original video image 400 (e.g., the viewer's favorite actor or actress). Display region 408 typically moves around the original video image 400 to follow the particular character or object. In another implementation, ***display region 408 may be enlarged to fill all (or a majority) of the screen of the display device*** (e.g., ***zoom in on the particular character or object***). Alternative embodiments may include any number of different display regions associated with a particular video display type (e.g., a 4:3 aspect ratio television).
(Sullivan, para. [0038]) (emphasis added).

Clearly, this portion of Sullivan simply teaches zooming in on an image, and does not teach or suggest scaling an image. Scaling an image involves, for example, upsampling, interpolating, etc. in adding detail to an image. In contrast, in zooming an image, it is not possible to discover any more information in the image than already exists, and image quality inevitably suffers. Thus, scaling is drastically different from zooming. Therefore, because Sullivan does not teach or suggest, “***scaling*** the region to fit the horizontal and vertical resolution of the display,” or similar subject matter, the rejection of claims 7, 15, 22, and 30 should not be sustained.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown ***in as complete detail as contained in the ... claim.***” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claims 7, 15, 22, and 30, the rejection of claims 7, 15, 22, and 30 and its dependent claims should not be sustained.

(2) Claims 5, 13, 20, and 28 are patentable over *Sullivan*:

The rejection of claims 5, 13, 20, and 28 should be reconsidered and withdrawn for at least the same reasons given above in favor of the patentability of the independent claims.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of January 13, 2011 is respectfully requested.

Respectfully submitted,

DATE: August 8, 2011

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